

IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

FILED
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COVESTRO, LLC
Plaintiff,

v.

Civil Action No.: 18-C-202
Presiding Judge: Wilkes
Resolution Judges: Carl and Nines

AXIALL CORPORATION,
ALLTRANSTEK, LLC, and
RESCAR COMPANIES,
Defendants,

and

AXIALL CORPORATION,
Third-Party Plaintiff,

v.

SUPERHEAT FGH SERVICES, INC.,
Third-Party Defendant.

---CONSOLIDATED WITH---

AXIALL CORPORATION,
Plaintiff,

Civil Action No. 18-C-203
Presiding Judge: Wilkes
Resolution Judges: Carl and Nines

v.

ALLTRANSTEK LLC, RESCAR, INC.
t/d/b/a RESCAR COMPANIES, and
SUPERHEAT FGH SERVICES, INC.,
Defendants.

BRIEFING ORDER

IT APPEARING that Plaintiff, Axiall Corporation, by counsel, has filed a Rule 12 Motion to Strike Counterclaim of Defendants AllTranstek, LLC and Rescar Companies, or, In the Alternative, Rule 41 Motion for Involuntary Dismissal, it is ORDERED pursuant to Rule 22 of the West Virginia Trial Court Rules as follows:

That movant will provide a proposed order (if not already done) and serve a copy upon all non-moving parties. Non-moving parties shall file written responses and proposed orders within 10 days of entry of this order and serve copies of the same on the moving party. The moving party shall thereafter have 5 days to file a rebuttal memorandum, if desired. Thereafter, the Court will rule upon the motion on the pleadings and record or schedule a hearing if the Court deems it necessary. **The Court notes that if the instant motion is not ruled on by July 31, 2020, the deadline to file dispositive motions, the Court will extend the deadline for Axiall to file dispositive motions pertaining to the Counterclaim until such time as this motion is decided by the Court.**

All original proposed orders and copies of motions and/or memoranda shall be sent directly to the Judge via Carol.Miller@courtswv.gov with a courtesy copy to both Business.Court@courtswv.gov and Tessa.Bowers@courtswv.gov. Copies of the proposed orders and the original motions and memoranda shall be filed with the Clerk of the Circuit Court.

The Clerk shall enter the foregoing and forward attested copies hereof to all counsel, to any *pro se* parties of record, and to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia, 25401.

July 17, 2020
date of entry



JUDGE CHRISTOPHER C. WILKES
JUDGE OF THE WEST VIRGINIA
BUSINESS COURT DIVISION